

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1197 - SB 1089

March 28, 2011

SUMMARY OF BILL: Grants party to lawsuit who moves for recusal of the trial court judge the right to have another trial court judge, either from the same district or from another district by interchange, or, if another judge is not available by interchange, a special judge, appointed to hear the recusal motion.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$2,400

Assumptions:

- There will be no significant additional cost to the judicial system for a judge from the same district sitting by interchange to hear a recusal motion.
- Cases in which judges sitting by interchange from another district or special judges hear a recusal motion will result in costs for mileage reimbursement. Data are not available on the number of motions for recusal, or the number times these motions are granted. Extrapolating from designation orders, the Administrative Office of the Courts (AOC) estimates that 48 motions per year will be granted under this bill that would not be granted under current law. Half of these recusals will require travel by a judge from outside the district resulting in mileage and expense claims. Assuming claims of \$100 per case, mileage and expense reimbursements by AOC will increase \$2,400 (24 x \$100).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, reading "James W. White".

James W. White, Executive Director

/lsc